

July 12, 2020



## Talbot County Short-Term Rental Review Board Minutes

Thursday, March 11, 2021 at 1:00 p.m.  
Virtual Meeting

### Attendance:

#### Commission Members:

Scott Kane, Chairman  
David McQuay, Vice Chairman  
Martha Suss  
Cindy Reichart

#### Staff:

Anthony Kupersmith, County Attorney  
Miguel Salinas, Assistant Planning Officer  
Elisa Deflaux, Planner II  
Chris Corkell, Recording Secretary

1. **Call to Order** - The Chair called the virtual meeting to order on March 11, 2021 at 1:05 p.m. Mr. Kane opened the meeting.

2. **Administrative Matters** – None.

3. **Minutes** – No Minutes to approve.

#### 4. **Old Business** –

Kathleen Nilsen / Southport, ST-246-NIL, 24629 Long Haul Road, St. Michaels, MD 21663, (Map 23, Grid 14, Parcel 9, Zoned Rural Conservation). The STR Board is holding a special meeting for the Nilsen application following the meeting held on February 25, 2021. Mr. Kane explained that for denial, the Board has to make a motion with findings with three votes in the affirmative. He stated that is based on the opinion of the County Attorney and the Board's Rules of Procedure. Mr. Kane asked if any member wanted to make a motion to deny the application. There was a motion to deny but no second. The motion failed. Based on the opinion and direction of the County Attorney, the application is approved.

Mr. Kane asked the County Attorney to affirm that they conducted the meeting appropriately. Mr. Kupersmith explained that this is an unusual situation. At the last meeting there was a motion to approve that was seconded. The vote carried out two members in favor, one member opposed and one member abstaining. The Board's Rules of Procedure require three (3) votes to carry a motion. §190.63 I.7 of the *Talbot County Code* states that the Board shall approve an application for a new short-term rental license unless the Board finds that:

- a. The license application is incomplete;
- b. The applicant has made false, inaccurate, incomplete or incorrect statements in connection with the application;
- c. The applicant has not complied with the application notice requirements;

- 51 d. Issuance of the license would unduly disturb the peace of the residents  
52 of the neighborhood in which the short-term rental will located; and/or;  
53 e. There are other substantial reasons in the discretion of the Board why  
54 the license should not be issued, in which event the Board shall deny  
55 the license.  
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57 Mr. Kupersmith said based on the Code language, the Board shall approve the  
58 application unless the Board makes a motion to deny the application based on one  
59 or more of the negative findings (a through e) and the motion receives at least three  
60 votes in the affirmative. He provided a few examples. Mr. Kupersmith stated  
61 otherwise all else being equal, the license has to be approved. He pointed out that  
62 the only other option is to stay the application pending the appointment of a fifth  
63 Board member who could break a tie.  
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65 Mr. Kane stated the application was approved. Mr. Kupersmith asked if there was  
66 a motion to stay the application pending the appointment of a fifth Board member.  
67 Mr. McQuay motioned to stay the application with the stipulation that the new  
68 Board Member become fully aware of the situation before any vote is taken. The  
69 motion was not seconded. Mr. Kane stated the motion failed for lack of a second  
70 and therefore the application is approved.  
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- 72 **5. Other Matters for Discussion** – Mr. Salinas reminded the Board that there will be a  
73 meeting on April 1, 2021.  
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- 75 **6. Adjournment** - The Chair called the meeting to adjourn. The meeting was adjourned at  
76 1:20 p.m.  
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78 Read and approved by the Board on APRIL 7, 2021.  
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Chairman